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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Writ Petition No. 6093 of 2005

Petitioner		Smt. Shanti Bai, W/o Late Brahaspati Panik, Aged about 42 years, R/o Village Manvari, Tehsil – Manendragarh, District-Korea (C.G.)
	Versus	
Respondents	1.	Union of India, Through : Secretary, Ministry of Mining & Industries, new Delhi.
	2.	Sough Eastern Coal Fields Limited, Through : General Manager, Seepat Road, Bilaspur (C.G.)
	3.	Deputy General Manager, South Eastern Coal Fields Ltd., Sub Region Kotma, Govinda Colliery, Kotma, Distt:- Korea (C.G.)
	4.	Senior Officer, South Eastern Coal Fields Ltd. Sub Region Kotma, Govinda Colliery, Kotma, Distt:- Korea (C.G.)

Shri Y. C. Sharma, Advocate for the petitioner.

Shri Rajnish Shrivastava, Advocate on the authority of Shri Shailendra Dubey, Standing Counsel for the Union of India/Respondent No.1.

Shri P. S. Koshy, Advocate for the respondents No. 2 to 4.

ORDER

(Passed on this 29th day of March, 2007)

1. According to learned counsel appearing for the petitioner, the husband of the petitioner namely Shri Brahaspati Panik, was working as Loader in the West Colliry, Kotma with the respondents No. 2 to 4, when he died on 14.6.1986 in harness.

2. The petitioner, being dependant-legal heir of the deceased, made various applications for appointment on compassionate. Her last application is dated 26.3.2002 (Annexure P/10). Vide letter dated

21.9.2005 (Annexure P/1) it was intimated to the petitioner that she is not entitled to get compassionate appointment.

3. Learned counsel appearing for the petitioner submits that the petitioner is entitled to appointment on compassionate basis.

4. The petitioner has filed this petition with unexplained and inordinate delay, seeking a direction to the respondents to grant compassionate appointment. The husband of the petitioner died on 14.8.1986 and the petitioner applied for compassionate appointment on 16.12.1998 (Annexure P/5).

5. It is well settled that the appointment on compassionate ground is not a method of recruitment, but, is a facility to provide for immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee from destitution. In other words, the object of compassionate appointment is to enable penurious family to tide over the sudden financial crisis and is not to provide employment. It is also well settled that mere death of the employee does not entitle his family to claim compassionate appointment if the family members could sustain themselves financially from other sources of income.

6. In **Haryana State Electricity Board and another Vs. Hakim Singh** {(1997) 8 SCC 85} the Supreme Court held that "the whole object of any compassionate appointment scheme is to give succor to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member."

7. The Supreme Court in the case of **State of J & K and others Vs. Sajad Ahmd Mir** { (2006) 5 S.C.C. 766 }, in para 11 has held as under :-

> "11.....it is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

8. In view of the above settled principles of law, there is no merit in this petition. The petition is accordingly dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur